IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 11TH JANUARY 2007 / 21ST POUSHA 1928

WP(C).No. 1311 of 2007(F)

PETITIONERS:

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1. P.P.KUTTIKRISHNAN NAIR,
   SREE KRISHNA VILAS, SABHAYIL PARAMBU,
   KARAKKAD, GURUVAYOOR P.O., GURUVAYOOR,
   THRISSUR DISTRICT.

2. K.R.SUNIL KUMAR,
   "SREE PADMA", SABHAYIL PARAMBU, KARAKKAD,
   GURUVAYOOR P.O., GURUVAYOOR, THRISSUR DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

1.THE GURUVAYOOR MUNICIPALITY, REP. BY
ITS SECRETARY, OFFICE OF THE GURUVAYOOR
MUNICIPALITY, GURUVAYOOR, THRISSUR DISTRICT.

2.THE CHIEF TOWN PLANNER,
THIRUVANANTHAPURAM.

3.VIMALA CHANDRAN, W/O. KOPPARA CHANDRAN,
KOPPARA HOUSE, SAMUCHA MADOM, THEKKENADA,
GURUVAYOOR, THRISSUR DISTRICT.

R2 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.1311 of 2007

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Dated: 11th January, 2007

JUDGMENT

The grievance of the petitioners is two-fold. The first is that the third respondent is going ahead with construction of flats in gross violation of the provisions under the Kerala Municipality Building Rules, 1999. The next is that on account of storage of construction materials on a pathway which leads to the petitioners' house by the third respondent, the petitioners are presently unable to take their car which is only a Maruti 800 to their residential building. The pathway is a public way and the third respondent is not entitled to cause any obstruction on that way, according to the petitioners. I do not propose to go into the merits of the matter. Ext.P1 representation has been filed by the petitioners before the 1st respondent. The 1st respondent-Municipality will take up Ext.P1, conduct a site inspection and ascertain whether the petitioners' complaint that a public pathway is being obstructed by collecting construction materials on the same in such a manner as to prevent entry of vehicles including that of the petitioners' vehicle into the pathway is correct. Thereafter the 1st respondent will issue notice to the petitioners and also to the third respondent and take a decision on Ext.P1 at the earliest and at any rate within one month of receiving a copy of this judgment. If the

site inspection conducted by the 1st respondent on the basis of the above direction reveals that the petitioners allegation that there is obstruction on the public pathway is correct, then the 1st respondent will take appropriate urgent measures so as to remove the obstructions even before final orders are passed on the representation.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**